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LOS ANGELES COUNTY
CITIZENS ECONOMY AND EFFICIENCY COMMISSION

ROOM 139, HALL OF ADMINISTRATION / 500 WEST TEMPLE / LOS ANGELES, CALIFORNIA 90012 / 974-1491

August 6, 1973

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Honorable Board of Supervisors
383, Hall of Administration
Los Angeles, California 90012

Gentlemen:

CHARTER PROPOSALS FOR THE 1973 SPECIAL ELECTION

The Charter Study Task Force of the Economy and Efficiency Commission recommends that the Board of Supervisors place only two of the proposed charter amendments on the ballot in the November, 1973, special election. These amendments are:

1. *To establish the position of an elected County Chief Executive*
2. *To expand the Board of Supervisors to seven members.*

The task force believes that these two issues are of such overriding importance to the future operation of County government that they deserve the closest study by the voters. The attention of the voters should not be diverted by other ballot measures of considerably less importance.

Therefore, it is our recommendation that other proposals for charter amendments be postponed for consideration until the June or November elections of 1974.

We believe strongly that the voters should be given the right to vote on these two very critical issues. It is their government; it is their taxes which pay for it; and it is they who should decide how they want it to operate.

E & E COMMISSION CHARTER STUDY

The Economy and Efficiency Commission established a Charter Study Task Force over a year ago to conduct a thorough review of possible proposals for charter revision, including the issues of an elected chief executive and an expanded Board of Supervisors. As we pointed out in a letter of February 13, 1973, to the Board of Supervisors, the task force objective was to recommend amendments to be placed on the ballot in the June or November, 1974, elections. We scheduled our report for completion in October of this year, assuming that this would allow ample time for appropriate review and discussion by the Board of Supervisors.

The November special election now gives the County an opportunity to place charter amendments on the ballot a year earlier than had been expected. We believe the County should take advantage of this opportunity, but we strongly urge that the amendments be limited to the two major issues. This will enable the voters to concentrate their attention on these two most critical issues and provide ample time for full public discussion and debate.

Our commission, at present, is divided on both of these issues. In the interest of providing a background for public debate, however, we hereby submit the following comments.

THE ISSUE OF AN ELECTED EXECUTIVE

The present County Charter, which was put into effect in 1913, requires the Board of Supervisors to act as both the legislative and executive head of the government. Since 1913 the County's population has grown from 600,000 to over 7 million people. County employees have grown from 3,000 to 78,000 and the annual budget from $4 million to $2.9 billion. Yet, despite these immense changes, the organization and administration of County government have changed

very little. The Board of Supervisors still operates as both the legislative and executive head of the government.

The Board of Supervisors is a deliberative body and can function very effectively as a legislature. As a chief executive, however, its authority is divided among five different individuals who can make decisions only by a vote of its members in a public meeting. It is thus in a difficult position to provide unified direction and supervision on a day-to-day basis over an operation as large and complex as the County.

We have repeatedly emphasized, therefore, that the executive authority must be separated from the Board of Supervisors and assigned to a single chief executive with clearly defined authority and accountability. The question is should this executive be appointed by the Board of Supervisors, as our commission proposed in 1970, or should he be elected by the people, as Supervisor Hahn now proposes.

An appointed chief executive would be delegated executive authority by the Board of Supervisors and serve at its pleasure. Under direction of the Board, he would appoint and dismiss County department heads and provide overall direction and control over all County operations.

This was the substance of the charter amendment which the Economy and Efficiency Commission recommended in 1970. It was defeated, however, by a 54% negative vote in the 1970 general election.

The principal problem with this proposal is that it cannot guarantee an effective separation of powers between the legislative and executive branches of the government. Since the Board of Supervisors appoints the chief executive, and he serves at its pleasure, it is the Board that must be held accountable for his actions. It is extremely difficult, therefore, for the Board members

to delegate to an appointed chief executive the authority to make decisions which may vitally affect their political futures. Whatever action the chief executive may take involving County services or operations in a given district, it will be the supervisor, not the chief executive, who will be held accountable by the public. It is understandable, therefore, that the supervisors are strongly impelled to participate in executive decision-making and are reluctant to delegate this authority to someone else. For this reason, there is a divided opinion among the Board members regarding the appointed chief executive concept.

Since the voters defeated the appointed executive concept only three years ago and since the present Board of Supervisors is divided on the issue, the only practical alternative to the status quo appears to be the elected chief executive. The question, therefore, is whether the citizens want to continue the present role of the Board as both the legislative and executive head of County government or separate these functions through the establishment of an elected County executive.

In the two following sections we summarize what we believe to be the principal arguments for and against this concept.

ARGUMENTS FOR AN ELECTED CHIEF EXECUTIVE

Proponents for an elected chief executive advance six principal arguments:

1. An elected chief executive would ensure the separation of the executive and legislative branches of County government and so establish a check and balance system following the principles in the United States Constitution and incorporated in federal, state, and almost all large municipal governments.

On this point Bernard Hillenbrand, Executive Director of the National Association of Counties, and a long-time advocate of the elected concept, has

commented,

> "What is it about County government which is so different that it requires a concept of management totally different from that commonly applied to sister governments at the local, state, and national levels? . . . Would anyone seriously propose that we do away with the office of governor and have a five-member commission run anyone of our states? Would anyone propose that we do away with the office of President of the United States and have a multi-member commission run the executive offices of the American government?"

2. An elected chief executive would unify and immensely strengthen political leadership in the County. Because he is elected by all the people, an elected chief executive would be in a much stronger position than are five separate supervisors to organize community support for social and reform programs. Also, because of the power and prestige which would gravitate to the position, he is in a much stronger position to represent the interests of County government in its relationship with federal, state, and municipal governments.

3. An elected chief executive would eliminate one of the most serious problems now affecting the operation of County government--that is, its invisibility. The County is one of the largest governments in the United States. It employs 78,000 people and operates on a budget of $2.9 billion, a budget larger than that of 42 states. Yet it is likely that the vast majority of County citizens would be hard pressed to name more than one or two members of the Board of Supervisors. An elected chief executive would immediately bring an identity and visibility to County government which it has never had before. The value of such visibility in insuring that the citizens know how their government is operating and what programs and policies it is pursuing cannot be underestimated.

4. A single chief executive elected by the people would be held solely accountable by them for the effective operation of County government. Under the present system, no one supervisor can be held accountable since he shares the authority with four other supervisors.

5. Because the electorate could hold the chief executive solely responsible for the effective operation of County government, the person elected to this position would be strongly motivated to control the cost of government and to manage it as efficiently as possible in order to insure his continuing in office. Any general discontent by the electorate--for example, over a large increase in the tax rate--would most certainly seriously endanger his chances for re-election. Unlike the division of authority under the present five supervisors, the elected chief executive could not avoid accountability for inefficient management and excessive costs.

6. With the establishment of an elected chief executive, an audit function could be established reporting to the Board of Supervisors which would be truly independent of the executive function. Under the current organization an audit function reporting to the Board cannot operate independently of the executive function, since the Board itself functions as the chief executive of the County. With an elected executive the audit function could operate with an independence similar to that of the General Accounting Office in Washington or the Legislative Analyst in Sacramento. Since these organizations report only to the legislatures, they are completely separated from the executive branch, which it is their responsibility to investigate. The creation of such an independent audit function is perhaps one of the most significant innovations which could be made to improve the efficiency and responsiveness of County government.

ARGUMENTS AGAINST AN ELECTED CHIEF EXECUTIVE

Critics of an elected chief executive present the following major arguments against the concept:

1. The cost of the election would be very high. The candidates would have to build a political campaign organization and solicit large sums of money. That immediately makes a candidate greatly indebted to many people.

Thus, the successful elected chief executive sitting in such a powerful position, if so minded, could dispense great favors to special interests who contributed to his campaign. The office could become a powerful patronage stronghold rather than one which concentrated solely on what is in the best interest of all the taxpayers, in particular, an efficient and economical government which does not constantly add more people to the payroll.

2. In our election process, it is no secret that shortly after a successful candidate takes office, he immediately spends much time cementing his political team. Often he must arrange for diversified affairs to obtain monies needed either to pay off delinquent bills of the previous campaign or to start building a new money chest for re-election purposes.

Running an immense operation involving billions of dollars annually requires intense and complete concentration by the chief operating officer in handling the tremendous diversified daily problems inherent in any vast enterprise of the County's size. Therefore, it is not possible for an executive who must continually mend or strengthen his political fences, to concentrate and focus solely on the proper administration and management of the County organization.

3. The training and experience of most politicians are not likely to qualify them as effective administrators and managers. Hence, the popular election process usually produces a person adept at politics and campaigning but not necessarily qualified as a professional manager. The kind of talent, so vitally necessary for such a giant enterprise as the County, is more likely to be secured through a competitive, written and oral examination process and a selection based strictly upon merit, ability, and experience.

Thus, because of the need for professional management, an elected chief executive usually is assisted by a chief administrative officer who is responsible

for the day-to-day administration of the county. This results in one more tier of management and additional administrative costs, another burden to the taxpayers.

4. The elected chief executive concept tends to build in executive-legislative conflict because officials in each branch are elected independently and see their roles and their public accountability differently. We have all seen this type of deadlock operate at the federal, state, and city levels, and we could expect it to happen in the County.

5. There is absolutely no tradition in California for an elected county executive. Hence, the concept of an elected chief executive would mean a radical departure from present tradition and experience.

Melvin Horton, Executive Vice President of the Property Owners Tax Association of California, has emphasized this view. He states:

> "An elected chief executive officer would launch County government on a new and different pattern with which it has had no experience. We believe you should build on the present structure rather than radically revamping the entire system."

6. If the elected executive turns out to be seriously incompetent and major problems develop in county administration, corrective measures may have to wait until the term of the executive expires and until a new executive is elected. There are not a few instances in our elected processes wherein a successful candidate quickly proves to be incompetent. Since this position is of such tremendous importance, an incompetent elected chief executive could cost the taxpayers a needless waste of many millions of dollars during a four-year term.

A "recall" is always a very difficult matter for the general public to arrange via petition, which would be the only alternative the public would have to waiting for the expiration of an incumbent's term of office.

THE ISSUE OF EXPANDING THE BOARD OF SUPERVISORS

In our commission's study of the County Charter in 1970, we conducted an intense analysis of the advantages and disadvantages of increasing the Board of Supervisors to seven members. During the course of the study we heard 27 speakers in 12 public hearings testify on this issue. In addition to professional and academic experts on local government, the speakers included representatives of unions, taxpayer associations, the Mexican-American community and the black community. A summary of this testimony is contained in the commission's report on the Los Angeles County Charter, dated July, 1970.

Although the commission was divided on the question of increasing the Board, it was unanimous in the conclusion that this issue should be submitted to the voters. "Following the traditional democratic process," the report stated, "it is the voters who rightfully should decide whether or not they are willing to pay the additional cost in return for whatever benefits they believe the increase will bring." The Board of Supervisors, however, voted 3-2 against placing the amendment on the ballot.

CONCLUSION

As we stated at the beginning of this report, we continue to believe firmly in the principle of giving the voters the opportunity to decide these very important issues. We therefore urge the Board of Supervisors to place both proposals--an elected chief executive and an expanded Board of Supervisors--on the ballot in the 1973 special election.

Very truly yours,

Maurice Rene Chez

MAURICE RENE CHEZ
Chairman

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